

Senate Bill No. 630

CHAPTER 18

An act to add Section 1317.10 to the Health and Safety Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 15, 2012. Filed with
Secretary of State June 15, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

SB 630, Alquist. Hospitals: licensure.

Existing law provides for the licensure of health facilities, including general acute care hospitals, by the State Department of Public Health.

Existing law requires emergency services and care to be provided to any person requesting the services or care, or for whom services or care is requested, for any condition in which the person is in danger of loss of life, or serious injury or illness, at any licensed health facility that maintains and operates an emergency department to provide emergency services to the public when the health facility has appropriate facilities and qualified personnel available to provide the services or care.

Existing law prohibits the transfer of a person needing emergency services and care from one hospital to another for any nonmedical reason, unless specified conditions are met, including a requirement that the person be examined and evaluated by a physician and surgeon. Existing law defines active labor to mean labor in which either there is inadequate time to effect safe transfer to another hospital prior to delivery or the transfer may pose a health and safety threat to the patient or the unborn child.

This bill would require, notwithstanding the above-described prohibition, for purposes of providing emergency services and care to patients with conditions related to active labor presenting to the emergency department of Stanford Hospital and Clinics, that Stanford Hospital and Clinics and Lucile Packard Children's Hospital at Stanford be treated as a single licensed facility if the 2 hospitals have entered into a specified agreement and other specified conditions are met. These conditions would include a medical determination that the patient may be transported safely and the patient has not refused transfer. The bill also would make findings and declarations regarding the necessity for a special statute.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Stanford Hospital and Clinics and Lucile Packard Children's Hospital at Stanford have a unique circumstance in which both hospitals are colocated on the same hospital campus. The hospitals occupy adjacent buildings that are physically attached inpatient facilities connected by an interior corridor so that passage from the emergency department at Stanford Hospital and Clinics to the obstetrics unit at Lucile Packard Children's Hospital at Stanford does not require exposure to the external environment.

(b) The emergency physicians at Stanford Hospital and Clinics and the obstetricians at Lucile Packard Children's Hospital at Stanford have clinical privileges to practice at both hospitals.

(c) Stanford Hospital and Clinics does not have an obstetrics unit and is not licensed for perinatal services but Lucile Packard Children's Hospital at Stanford does have an obstetrics unit and is licensed for perinatal services.

(d) Without this special statute, patients in active labor who arrive at the Stanford Hospital and Clinics emergency department can face up to a 90-minute delay to satisfy the existing law's requirements to be transferred to the obstetrics unit at Lucile Packard Children's Hospital at Stanford.

(e) Due to the unique physical arrangement between Stanford Hospital and Clinics and Lucile Packard Children's Hospital at Stanford, the average time to transport a patient from the emergency department at Stanford Hospital and Clinics to the obstetrics unit at Lucile Packard Children's Hospital at Stanford is five minutes.

(f) On average, 29 patients arrive at the Stanford Hospital and Clinics emergency department each month in active labor and in need of perinatal services.

(g) These patients and their unborn children would receive appropriate care at Lucile Packard Children's Hospital at Stanford because of the dedicated obstetrics unit.

(h) It is in the interest of the state and women and children to provide the timely transfer of women in active labor who arrive at the Stanford Hospital and Clinics emergency department to the obstetrics unit at Lucile Packard Children's Hospital at Stanford.

SEC. 2. Section 1317.10 is added to the Health and Safety Code, to read:

1317.10. Notwithstanding Sections 1317 and 1317.2, Stanford Hospital and Clinics and Lucile Packard Children's Hospital at Stanford shall be treated as a single licensed facility for purposes of providing emergency services and care to patients with conditions related to active labor presenting to the emergency department at Stanford Hospital and Clinics if all of the following conditions are met:

(a) The two hospitals have entered into an agreement in which Lucile Packard Children's Hospital at Stanford accepts and provides emergency services and care to all patients who are in active labor presenting to the emergency department at Stanford Hospital and Clinics, without regard to insurance status, financial status, or other nonclinical factors.

(b) A physician and surgeon, qualified emergency department registered nurse, or other appropriately licensed personnel under the supervision of a physician and surgeon determines, prior to the transfer, that the patient has signs or symptoms, or both, suggestive of active labor, the patient can be safely transferred from the emergency department at Stanford Hospital and Clinics to the labor and delivery department of Lucile Packard Children's Hospital at Stanford, and the patient does not have a condition, illness, or injury more appropriately treated in the emergency department.

(c) The patient has the right to refuse the transfer.

(d) Each hospital has a prepared plan to promptly transport the patient with an employee escort who has specialized training in transporting women in labor.

SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances where Stanford Hospital and Clinics and Lucile Packard Children's Hospital at Stanford are physically attached inpatient facility buildings connected by an interior corridor so that passage from the emergency department at Stanford Hospital and Clinics to the obstetrics unit at Lucile Packard Children's Hospital at Stanford does not require exposure to the external environment.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to more expeditiously transfer patients who are presenting labor conditions to a hospital that may provide more specialized labor care, it is necessary for this act to take effect immediately.